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LAHIVE & COCKFIELD, LLP.  
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BOSTON MA 02109

In re Application of :  
Stuart B. Levy et al :  
Serial No.: 09/828,456 : PETITION DECISION  
Filed: April 6, 2001 :  
Attorney Docket No.: PKZ-030 :

This is in response to the petition under 37 CFR 1.181, filed May 5, 2005, for withdrawal of abandonment of the above identified application based on filing of a timely reply.

A review of the file history shows that the examiner mailed an Office action to applicants on March 4, 2003, setting a three month shortened statutory period for reply. A Notice of Abandonment was mailed to applicants on March 22, 2005, when no reply was received. Applicants state that a reply was filed on September 4, 2003, including a request and fee for a three month extension of time, and provide a copy thereof as well as copies of the express mail label. Office records indicate charge of the extension of time fee to applicants' Deposit Account on 9/10/03 indicating receipt of the papers. However the reply was misplaced and never correlated with the file. Applicants have supplied a copy of the missing reply with the petition which will be used. In view of the timely reply the Notice of Abandonment was mailed in error and is withdrawn and the application is restored to pending status with the mailing of this decision

The petition is **GRANTED**.

**The application will be forwarded to the examiner for further action.**

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 703-308-3824 or by facsimile sent to the general Office facsimile number 571-273-8300.

  
George C. Elliott

Director, Technology Center 1600